

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 411**

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**Introduced by Senator Wolk**

February 20, 2013

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An act to amend Section 112895 of the Health and Safety Code, relating to food labeling.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as amended, Wolk. Food labeling: olive oil.

Existing law requires the State Department of Public Health to enforce various provisions of existing law regarding the manufacture, blending, production, and sale of olive oil. Existing law requires any olive oil produced, processed, sold, offered for sale, given away, or possessed in this state, that indicates on its label that it is from an area that is one of the approved American Viticultural Areas under federal law, to be made of oil 75% of which is derived solely from olives grown in that approved American Viticultural Area. Existing law makes the violation of these provisions a crime.

This bill would require that olive oil be made of oil *at least 85% of which is* derived solely from olives grown in the American Viticultural Area that is indicated on the olive oil label. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 112895 of the Health and Safety Code  
2     is amended to read:  
3     112895. (a) It is unlawful to manufacture, sell, offer for sale,  
4     give away, or to possess imitation olive oil in California.  
5     (b) This section does not prohibit the blending of olive oil with  
6     other edible oils, if the blend is not labeled as olive oil or imitation  
7     olive oil, is clearly labeled as a blended vegetable oil, and if the  
8     contents and proportions of the blend are prominently displayed  
9     on the container's label, or if the oil is a flavored olive oil.  
10    (c) Any olive oil produced, processed, sold, offered for sale,  
11    given away, or possessed in California, that indicates on its label  
12    "California Olive Oil," or uses words of similar import that indicate  
13    that California is the source of the oil, shall be made of oil derived  
14    solely from olives grown in California.  
15    (d) Any olive oil produced, processed, sold, offered for sale,  
16    given away, or possessed in California, that indicates on its label  
17    that it is from an area that is one of the approved American  
18    Viticultural Areas as set forth in Part 9 (commencing with ~~See~~  
19    ~~Section 9.1~~) of Title 27 of the Code of Federal Regulations shall  
20    be made of oil *at least 85 percent of which is* derived solely from  
21    olives grown in that approved American Viticultural Area.  
22    (e) Olive-pomace oil shall not be labeled as olive oil.  
23    SEC. 2. No reimbursement is required by this act pursuant to  
24    Section 6 of Article XIII B of the California Constitution because  
25    the only costs that may be incurred by a local agency or school  
26    district will be incurred because this act creates a new crime or  
27    infraction, eliminates a crime or infraction, or changes the penalty  
28    for a crime or infraction, within the meaning of Section 17556 of  
29    the Government Code, or changes the definition of a crime within  
30    the meaning of Section 6 of Article XIII B of the California  
31    Constitution.

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